

PROB 12C  
(7/93)

Report Date: April 12, 2012

**United States District Court**

for the

**Eastern District of Washington**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

APR 13 2012

JAMES R. LARSEN, CLERK  
YAKIMA, WASHINGTON DEPUTY

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Michelle Fawn Wakwak

Case Number: 2:06CR02004-001 **CRS**

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, U.S. District Judge

Date of Original Sentence: 7/27/2006

Original Offense: Crime on Indian Reservation - Assault, 18 U.S.C. §§ 1153 and 113

Original Sentence: Prison - 37 Months; TSR - 36 Months      Type of Supervision: Supervised Release

Asst. U.S. Attorney: Gregory M. Shogren

Date Supervision Commenced: 11/7/2008

Defense Attorney: Alex B. Hernandez, III

Date Supervision Expires: 7/24/2012

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**PETITIONING THE COURT**

To issue a warrant and to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 1/24/2010 and 8/5/2010.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number      Nature of Noncompliance

8

**Standard Condition #2:** The defendant shall not commit another Federal, state, or local crime.

**Supporting Evidence:** Michelle Wakwak was arrested on December 30, 2011, for driving under the influence and first degree driving with license suspended (Toppenish Municipal Court case number 1Z0858427). She was also cited for speeding, operating a motor vehicle without insurance, and following too close (Toppenish Municipal Court case number 1Z0858426).

With regard to case number 1Z0858426, a judgment of committed was entered on all three charges on February 1, 2012, and a \$850 fine was imposed.

With regard to case number 1Z0858427, the defendant appeared in court on January 3, 2012, and was released on a \$1,000 appearance bond. On April 11, 2012, the defendant failed to appear for a pretrial review hearing and a warrant was issued by the court.

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- 9        **Special Condition #16:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Michelle Wakwak submitted a urine sample on January 5, 2012, which tested presumptive positive for marijuana. Test results were confirmed by Alere Toxicology Services.

- 10       **Special Condition #17:** You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

**Supporting Evidence:** Michelle Wakwak consumed alcohol on December 30, 2011, as noted in violation number 8.

- 11       **Special Condition #16:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Michelle Wakwak submitted a urine sample on April 5, 2012, which tested presumptive positive for marijuana.

On April 9, 2012, the defendant contacted the undersigned officer and admitted to smoking marijuana on April 5, 2012.

- 12       **Standard Condition #3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

**Supporting Evidence:** Michelle Wakwak failed to report to the U.S. Probation Office on April 10, 2012.

On April 9, 2012, the defendant contacted the undersigned officer and reported she was having transportation issues. Ms. Wakwak was directed to contact her Parent-Child Assistance Program (PCAP) case worker to secure a ride to report to the U.S. Probation Office on April 10, 2012. Later that day the defendant called to report she had secured a ride through her PCAP case worker and would report as directed. On April 10, 2012, she failed to report or contact this officer. On April 11, 2012, several attempts were made to contact the defendant but all were met with negative results. Contact with the defendant's PCAP worker revealed the defendant had cancelled her request for a ride on April 10, 2012.

- 13       **Special Condition #15:** You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability. You shall allow full reciprocal disclosure between the supervising probation officer and treatment provider.

**Supporting Evidence:** Michelle Wakwak failed to report to Merit on April 10, 2012, for a scheduled individual counseling session.

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On April 11, 2012, contact with the defendant's treatment counselor at Merit revealed Ms. Wakwak failed to show for her scheduled individual counseling session on April 10, 2012.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 12, 2012


s/Jose Vargas

Jose Vargas  
U.S. Probation Officer

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#### THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Other

  
\_\_\_\_\_  
Signature of Judicial Officer

4/13/12  
\_\_\_\_\_  
Date